

**REMARKS**

Applicants respectfully request reconsideration and allowance of the claims, in light of the remarks made herein. The Examiner is thanked for indicating that claim 10 is allowed and that claims 9, 12, 13 and 25 are allowable once the rejections under 35 U.S.C. §112, second paragraph, are addressed.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 9, 10, 12, 13 and 25 are pending in this application. Claims 9 and 25 have been amended; claims 1-8, 11, 14, 15-24, which were previously restricted out, are now cancelled. Applicants reserve the right to file divisional applications to non-elected subject matter. It is assumed that the section of the Office Action under "Detailed Action" on page 2 is an error, as no amendment was filed on December 6, 2001, and the recited claims do not correspond with the pending claims of this application.

The amendments have been made simply to address formal matters. No new matter has been added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art, and that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

**II. THE REJECTIONS UNDER §112, 2<sup>ND</sup> PARAGRAPH, ARE OVERCOME**

Claims 9 and 25 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

The conjunction 'or' is added between subparts iv) and v) of claim 9(c), and "*Perna canaliculus*" is now italicized in claim 25 to denote its scientific name.


In view of these amendments, the claims are in compliance with 35 U.S.C. §112, second paragraph, and reconsideration and withdrawal of the rejections thereunder are requested.

**CONCLUSION**

In view of the remarks and amendments herewith, it is believed that the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant



By: Marilyn Matthes Brogan  
Reg. No. 31,223

Anne-Marie C. Yvon, Ph.D.  
Reg. No. 52,390  
Tel: (212) 588-0800